

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RUSH UNIVERSITY MEDICAL CENTER
Employer

and

Cases 13-RC-143495
13-RC-143497
13-RC-143510

HEALTHCARE, PROFESSIONAL,
TECHNICAL, OFFICE, WAREHOUSE
AND MAIL ORDER EMPLOYEES
UNION, LOCAL 743, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
Petitioner

ORDER

Employer's Request for Review of the Regional Director's Consolidated Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

HARRY I. JOHNSON, III, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington D.C., March 24, 2015.

¹ Member Johnson would grant review for the sole purpose of permitting Board review of *St. Vincent Charity Medical Center*, 357 NLRB No. 79 (2011), relied upon by the Regional Director, where a two-member Board majority held that modified acute care hospital bargaining units need not conform to the Board's Health Care Rule regarding acute care hospital bargaining units, in circumstances where an *Armour-Globe* self-determination election may add certain unrepresented employees to an existing nonconforming unit that pre-dated the Health Care Rule. Here, Member Johnson acknowledges that the Regional Director correctly applied *St. Vincent* and then acceptably conformed the petitioned-for units to the actual operational lines of the Employer. But the broader question is posed here whether, despite being permissible under *St. Vincent*, the piecemeal organizing and the conducting of so many elections to add employees to a non-conforming unit at acute care hospitals is consistent with the intention behind the Health Care Rule. Member Johnson believes that allowing a rolling series of petitions, as here, contravenes one of the key purposes of the Health Care Rule: streamlining the representation process and minimizing the disruption that results from questions concerning representation arising at acute health care facilities.